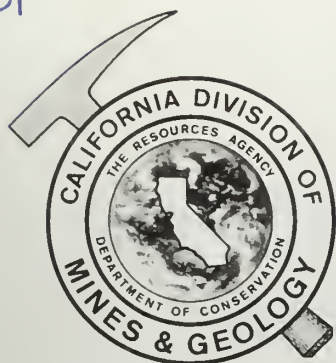


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CALIFORNIA SURFACE MINING AND RECLAMATION POLICIES AND PROCEDURES

California Division of Mines and Geology



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CALIFORNIA SURFACE MINING AND RECLAMATION POLICIES AND PROCEDURES

with the
Surface Mining and Reclamation Act of 1975

Prepared by
The California State Mining and Geology Board
1416 Ninth Street, Room 1341
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1979

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PART I

SURFACE MINING AND RECLAMATION PRACTICE

PREFACE

To First Edition

The Surface Mining and Reclamation Act of 1975, enacted as Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands. That policy is for the guidance of local governments who are required by the Act to obtain reclamation plans for surface mining operations as a condition of granting the permits (also specified by the Act) required before surface mining may proceed.

The Act also requires the Board to adopt policies relative to mineral resource conservation through appropriate land use planning by local governing agencies. When these additional policies are adopted, they too will be announced and made publicly available.

Special Publication 51 contains the State Policy for the reclamation of mined lands, as drafted by the Board, given public hearing in Sacramento on November 16, 1976, and adopted by the Board in Sacramento on December 21, 1976.

This policy is included in the State Administrative Code under Title 14 Natural Resources, Division 6 Resources Agency, Chapter 8 Mining and Geology, Subchapter 1 State Mining and Geology Board. The policy is effective on April 28, 1977, 30 days after its filing with the Secretary of State.

From time to time, additions and amendments to this policy are expected to be adopted by the Board, after public hearing. Any such modifications will be made available in addenda or in revised editions of this publication.

AUTHORITY

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by the State Mining and Geology Board, signed December 21, 1976, by Priscilla C. Grew, Chairman.

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 2712 and 2755 of the Public Resources Code, and to implement, interpret, or make specific provisions contained in Articles 2 through 6 of Chapter 9, Division 2 of the Public Resources Code (commencing with Section 2725), the State Mining and Geology Board hereby adopts its regulations in Title 14, California Administrative Code, as follows:

Recorded for filing March 11, 1977, Office of Administrative Hearings. Endorsed, approved for filing (Gov. Code 11380.2) March 29, 1977.


Endorsed, filed in the Office of March Fong Eu, Secretary of State of California, March 29, 1977.

Disclaimer

The State Mining and Geology Board has made a determination that there is no provision in these regulations requiring a cost to local government; nor do the regulations obligate the State to make any payment to local government as set forth in Section 2231 of the Revenue and Taxation Code.

These regulations do not contain building standards as defined in the State Building Standards Law (Secs. 18900-18915, Health and Safety Code).

DATED: December 21, 1976



Priscilla C. Grew
Chairman

CHAPTER 8. MINING AND GEOLOGY

SUBCHAPTER 1. State Mining and Geology Board

Article 1. Surface Mining and Reclamation Practice

3500. Introduction. This policy statement and the accompanying minimum standards are specifically set forth for surface mining practice and preparation of surface mine reclamation plans and will be subject to continuing review by the Board. Under Section 3501 of this Article, the principal contents of the General Provisions of the State Surface Mining and Reclamation Act of 1975 (SMARA) have also been included, even though they cover a broader subject matter than just surface mining and reclamation practice, stating the overall policy and aims of the Act.

In recognition of the complexity of conditions throughout the state, the Board sets forth these guidelines to develop minimum statewide requirements. Under the Act, the lead agencies shall develop the detailed rules for their jurisdictions. Should future experience indicate that the agencies need more guidance in developing standards for regional conditions, the Board will consider providing standards more specifically related to regional conditions.

The suggested form for the surface mine reclamation plan is included as an aid to the lead agencies in developing their own forms. In like manner, the suggested enabling ordinance is included as a guide to those agencies that may wish to use it.

3501. General Provisions. (a) the State Mining and Geology Board hereby recites the findings and declarations of the Legislature:

(1) That the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to mitigate effects on the environment and to protect the public health and safety.

(2) Further, that the reclamation of mined lands as provided in Chapter 9, commencing with section 2710 of the Public Resources Code, will permit the ongoing mining of minerals and will provide for the protection and continued beneficial use of the mined and reclaimed land.

(3) Further that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

(b) The Board recognizes that it is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with

regulation of surface mining operations so as to assure that:

(1) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

(2) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(3) Residual hazards to the public health and safety are eliminated.

(c) The Board further recognizes that it is not the intent of the Legislature by the enactment of SMARA to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

The Board further recognizes that no provision of SMARA or any ruling, requirement, or policy of the Board is a limitation on any of the following:

(1) On the police power of any city or county or on the power of any city or county to declare, prohibit, and abate nuisances.

(2) On the power of the Attorney General, at the request of the Board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(3) On the power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(4) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Part 3 (commencing with Section 3479) of Division 4 of the Civil Code or for any other private relief.

(5) On the power of any city or county to adopt policies, standards, or regulations imposing additional requirements on any person if the requirements do not prevent the person from complying with the provisions of this policy.

(6) On the power of any city or county to regulate the use of buildings, structures, and land as between

industry, business, residents, open space (including agriculture, recreation, the enjoyment of scenic beauty, and the use of natural resources), and other uses.

3502. Definitions. The definitions of permit, person, reclamation and state policy provided in sections 2728 to 2734, inclusive, of the Public Resources Code are incorporated into this code as though they were set forth at length herein. The following definitions are applicable to the provisions of this subchapter:

Angle of Repose. The maximum angle of slope (measured from horizontal plane) at which loose cohesionless material will come to rest on a pile of similar material. The angle is generally a few degrees less than the angle of internal friction of the same material. The angle of repose commonly ranges between 33° and 37° on natural slopes and is rarely less than 30° or more than 39°.

Backfill. Earth, overburden, mine waste or imported material used to replace material removed during mining.

Bench. A flat surface from which a pit or quarry is worked. The height of the slope between benches is the bench interval. The benches that are left on a final cut are generally termed retaining benches, and serve to retain or limit rock falls from the surface above.

Borrow Pit. Excavations created for the surface mining of rock, unconsolidated geologic deposits or soil which are not on-site construction as defined below are considered to be surface mines unless exempted under Section 2714 of the Act. (Adopted 7/12/79)

Cut Slope (Face). A bank or slope that has been created by removing material below the preexisting ground surface.

Critical Gradient. The maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

Fill Slope. A bank or slope that has been built up by the placing of material on top of the existing ground surface.

Grading. To bring an existing surface by cutting, filling, and/or smoothing operations to a designed form.

Intermittent Operation. A surface mine that is operated only periodically, one or more years between operating periods, either because needs for the minerals produced at such mine are supplied from stockpiles, or because market conditions require only an intermittent supply of these minerals.

Mined Lands. These include the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations, are located.

Minerals. "Minerals" mean any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Mining Waste. The residual soil, rock, mineral, liquid, vegetation, mill tailings, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

On-site Construction. Those earth material moving activities (such as excavation, grading, compaction and the creation of fills and embankments) which are required to prepare a site for construction of structures, landscaping or other land improvements are not deemed to be surface mining operations if the resultant excavations, fills, grades, or embankments are beneficially modified by such construction of structures, landscaping or other land improvements. Excavations, fills, grades, or embankments that of themselves constitute engineered works such as dams, road cuts, fills, catchment basins, or levees are not considered to be surface mining operations. Earth material moving activities in areas either on or off-site where the resultant excavations, fills, grades, or embankments will not be beneficially modified by the construction of structures, landscaping or other land improvements, and that do not of themselves consist of engineered works are deemed to be surface mining operations unless exempted under Section 2714b of the Act. (Adopted 7/12/79)

Operator. Any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Overburden. Soil, rock or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.

Permit. Any formal authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.

Person. Any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

Reclamation. The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health and safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

Reclamation Plan. The applicant's (operator's) completed and approved plan for reclaiming the lands affected by his surface mining operations conducted after January 1, 1976, as called for in Section 2772 of Article 5 of the Act.

Resoiling. The process of artificially building or reconstructing a soil profile.

Setback. A term used to designate the distance from a property line, road or other limiting feature, to an excavation or to the toe of a fill to protect property, road, or other features.

Slope Ratio. The ratio between the horizontal and vertical component of a slope face. It is usually expressed as 1:1, 2:1, etc.

State Policy. The state policy for the reclamation of mined lands adopted pursuant to Section 2755, et seq. of the Act.

Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Subsoil. That part of the soil below the topsoil.

Surface Mining Operations. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include but are not limited to:

- (1) Inplace distillation or retorting or leaching.
- (2) The production and disposal of mining waste.
- (3) Prospecting and exploratory activities.

Normally, borrow pitting, streambed skimming, segregation and stockpiling of mined materials (and recovery of same) would be deemed to be surface mining operations unless specifically excluded under Section 3506(a).

Surface Mining Operations Connected With Timber Harvesting.—The Mining and Geology Board recognizes that surface mining (borrow pitting) for construction and maintenance of roads, erosion control activities and other purposes connected with timber harvesting occurs on forest lands. These lands may also be covered by Forest Practice Act (FPA) regulations and individual timber harvest plans approved pursuant to that Act. However, these regulations do not specifically address surface mining and reclamation. Recognizing this situation, the State Mining and Geology Board deems that surface mining (borrow pitting) on forest lands is subject to the requirements of the Surface Mining and Reclamation Act and the Board's Policy for Surface Mining and Reclamation Practice. Lead agencies may accept as functional equivalents to these requirements approved individual timber harvest plans when such plans specifically address on a site-by-site basis, surface mining and reclamation practice and meet minimum state standards established by the Board in its Policy for Surface Mining and Reclamation Practice. (Adopted 7/12/79)

Swell. A term which designates the increase in volume of soil or rock resulting from excavation and placement in a less compact state. It is expressed as a percentage of the soil or rock volume in place. A negative value of swell is termed shrinkage.

Temporarily Deactivated Operation. A surface mine that has been closed down and which the operator has maintained in the expectation of reopening it when the conditions justify.

Topsoil. The upper part of the soil profile that is relatively rich in humus, which in the field of agronomy is known as the A-horizon of the soil profile.

Toxic Substance. Any organic compound, certain metal cations, certain anions, and other inorganic sub-

stances, including biostimulants, which singly, or upon combining with other substances, create a condition that will inhibit or destroy the growth or function of any living organism.

3503. The Reclamation Plan; Purpose and Nature.

The basic objectives of the reclamation of mined lands are set forth in the General Provisions of this policy statement (ref. Subchapter 1, Chapter 8, Division 2, Title 14, California Administrative Code). It is the purpose of the reclamation plan to provide a program by which to attain these objectives.

It is recognized that long established mines or extensively mined sites may be more difficult to reclaim than newer mines and smaller mine sites. An entirely new operation offers the greatest opportunity for planning and carrying out reclamation activities. Determination of the degree or level of reclamation to be effected shall be based upon a number of factors including but not limited to those set forth in section 3503.1. Evaluation and acceptance of the plan shall take into consideration the financial capability of the operation to achieve this level of reclamation, using reasonable and practicable measures. However, such consideration shall not be construed to allow the acceptance of a reclamation plan that fails to meet the minimum requirements of this chapter.

3503.1. Reclamation Plan Elements. There are numerous considerations that will determine the level, character and detail of the reclamation plan design. At least the following elements must be included within each reclamation plan:

- (a) the size and area of the mined lands;
- (b) the complexity of the operation and the manner and degree to which the mined lands are disturbed;
- (c) the site potential;
- (d) the environmental setting of the operation site and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands;
- (e) the effect that the proposed reclamation activity may have upon the site's remaining unmined resources and/or upon continued mining on adjacent lands.
- (f) the public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.

There is a great variation in the longevity of surface mining operations. In some operations the reclaiming of mined areas will be undertaken concurrently with the mining of adjoining lands, whereas in many operations much of the reclamation can be effected only after the mining is completed. In those cases where concurrent reclamation is possible, the Act requires that a time table be set up for commencing such reclamation. It may be helpful, in these cases, to require a periodic submittal of updat-

ed progress statements for concurrent reclamation operations.

(g) In coordination with the Lead Agency and in conformance with its policies and regulations, and with local or general plans, the operator shall propose what the end condition of the site will be and propose reasonable and practicable potential uses of the reclaimed site.

In some cases these uses may be of a higher nature than the original use, whereas in others, of a lower nature. Certain mined lands will not be readily adaptable to uses other than those that may be described as a wildlife habitat, scenic, open space, etc., which are in harmony with the surrounding area.

3504. Surface Mining and Reclamation Practice.

The Act, in Section 2756 of the Public Resources Code, calls for state policy in regard to certain specific aspects of surface mining and reclamation practice. It is recognized that existing regulations may substantially cover certain of these areas. The following are minimum acceptable practices to be followed in surface mining operations:

(a) Soil Erosion Control.

(1) The removal of vegetation and overburden in advance of surface mining shall be kept to the minimum.

(2) Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.

(3) Erosion control facilities such as retarding basins, settling ponds, ditches, streambank stabilization, and diking shall be constructed and maintained where necessary to control erosion.

(b) Water Quality and Watershed Control.

(1) Compliance with U.S. Environmental Protection Agency, Regional Water Quality Control Boards, State Department of Fish & Game, and certain other agency's regulations and requirements.

(2) Settling ponds or basins shall be constructed downstream from areas of potential erosion at operations where they will provide a significant benefit to water quality.

(3) Temporary stream or watershed diversion shall be restored in final reclamation wherever practicable.

(4) At sites where ground-water recharge is a significant consideration, operations shall be conducted to substantially prevent siltation of recharge areas.

(c) *Flood Control.* Compliance with the requirements of other agencies in addition to the Lead Agency, such as: the State Reclamation Board, local flood control districts, the U.S. Corps of Engineers, and the State Department of Fish and Game when operations occur in or near streams and other drainage channels.

(d) *Protection of Fish and Wildlife Habitat.* All reasonable and practicable measures should be taken to protect the habitat of fish and wildlife.

(e) *Disposal of Mine Waste Rock and Overburden.* Permanent piles or dumps of mine waste rock and overburden shall be stable and shall not restrict the natural drainage without suitable provisions for diversion. Stable slopes at angle of repose shall be permitted as a final slope. Old equipment and other similar inert mining wastes shall be removed or buried. Toxic material shall be removed or protected to reduce leaching to allowable levels. Under some conditions, covering of part or all of the mine waste piles with overburden, fine waste and soil may be desirable. Where reasonable choices exist, dumps shall be located in least visible location. "Controlled placement" of this material with relationship to topography, hydrology, and end use features can greatly enhance the results of a reclamation program.

(f) *Soil Salvage.* The salvage of existing topsoil is an important factor in revegetation and thus is a crucial part of the reclamation process. A soil survey may be necessary to establish soil type, depth, and soil chemistry. The complexity of such a survey will be dependent on site geology, vegetation, and areal extent, as well as on post-mining uses. In areas of good soil development, topsoil is a valuable asset and should be segregated for future use in revegetation. Desert districts and other areas of limited soil development may require special study to determine the benefits and practicality of soil salvage. In some areas, because of poor or very limited soil conditions, it may be impractical or impossible to salvage soil.

(g) *Final Slope Gradient.* The designed steepness and proposed treatment of the mined lands' final slopes shall take into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. The maximum stable slope angle might range from 90° in a sound limestone, igneous rock, or similar hardrock to less than 20° in highly expansive clay. In all cases, reclamation plans shall specify slope angles flatter than the critical gradient for the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, regulatory agencies shall require an engineering analysis of the slope stability. Special emphasis on slope stability and design will be necessary when public safety or adjacent property may be affected.

(h) *Backfilling and Grading.* Most backfilling and grading is undertaken to store mine waste rock and overburden, to produce designed slopes, to establish drainage, or to raise the ground surface above the local water table. Any area mined to produce additional materials for backfilling and grading must also be included in the reclamation plan.

Settlement of filled areas must be considered in all reclamation plans. Where probable ultimate site uses include roads, building sites, or other improvements sensitive to settlement, the reclamation plans shall include compac-

tion of the fill materials in conformance with good engineering practice to avoid excessive settlement. Fill placement shall conform to local grading ordinances or, in their absence, the Uniform Building Code.

(i) *Erosion and Drainage.* Grading and revegetation shall be designed to both prevent excessive erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent downward erosion of spillways when these basins have outlet to lower ground.

(j) *Resoiling.* When the reclamation plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mines that did not salvage soil during their initial operations shall attempt, where feasible, to upgrade remaining native materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures appear necessary. It is not justified, however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed.

(k) *Revegetation.* Before final revegetation is undertaken, the operator shall make use of the available research addressing revegetation methods and the selection of species having good survival characteristics, for the topography, resoiling characteristics, and climate of his area. Native species are recommended wherever practicable. Reclamation plans may also include development of screens and roadside plantings at mines currently in operation, where such screens and plantings are practicable and desirable.

3505. Administration by Lead Agency. It shall be the responsibility of the Lead Agency, in accordance with SMARA to adopt an ordinance establishing procedures for the review and approval of reclamation plans and the issuance of permits to conduct surface mining operations, and to administer such ordinance.

(a) *Record Keeping.* The Lead Agency shall establish and maintain in-house measures and procedures to ensure organized record-keeping and monitoring of surface mining reclamation under its jurisdiction. The Lead Agency shall forward a copy of each permit and approved reclamation plan to the appropriate district office of the State Division of Mines and Geology (Sacramento, San Francisco or Los Angeles).

(b) *Identification of Mines.* The Lead Agency shall identify all operating surface mines within its jurisdiction and notify the operators that reclamation plans must be submitted within a reasonable time, but not exceeding one year from the effective date of these guidelines.

(c) *Performance Assurances.* The Lead Agency shall assure that the objectives of the reclamation plan will be obtained. This may include provisions for liens, surety

bonds or other security, to guarantee the reclamation in accordance with the approved reclamation plan.

(d) *Review Procedures.* The Lead Agency shall act with diligence in reviewing and acting upon applications for surface mining permits and upon submittals of reclamation plans for existing mines. The Board recommends that the Lead Agency integrate the requirements of SMARA with other planning and environmental review procedures required by law and administrative practice wherever feasible.

3506. Special Provisions.

(a) *Exemptions.* In addition to the provisions of sections 2714(a), (c) and (d) of the Public Resources Code, the following activities are exempt from the provisions of SMARA:

(1) Prospecting and exploration for minerals of commercial value where less than 1000 cubic yards of overburden is removed in any one location of one acre or less.

Such activities that consist of geological, geochemical, and geophysical mapping, hand surface sampling of outcrops and soil, and core and other test drilling, that do not involve extensive excavation, devegetation, or other significant environmental impact, would normally be considered exempt from the provisions of the Act.

(2) Any surface mining operation that does not involve either the removal of a total of more than 1000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.

(b) *Vested Rights.* The permit and reclamation plan requirements for persons with vested rights are stated in Section 2776 of the Public Resources Code.

As a guide in determining the status of the vested rights of the person(s) owning or operating a given surface mine, the factors discussed below shall be taken into consideration.

A surface mine does not have to have been in operation on the effective date of the Act to have vested rights. Surface mines that are operated seasonally, intermittently, or are temporarily deactivated may have vested rights established prior to the Act. In this regard, the historical pattern of the conduct of the operation shall be considered, as well as the continuity of the operator's activities in the area and his diligent maintenance of the property in question.

The expression "no substantial changes ... made" must be interpreted with due consideration of the above factors. That is, changes in the rate of production may or may not be considered a substantial change, depending upon the status of the surface mine under review. Similarly, the physical moving or shifting of a surface mining operation may or may not be a substantial change, depending upon operational, environmental, and other circumstances.

Where a person with vested rights continues surface mining in the same area subsequent to January 1, 1976, he must obtain an approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act.

3507. Suggested Form for Reclamation Plan.

General Description. A suggested model reclamation plan, together with instructions for its preparation, are included as Appendix A and B to these guidelines as an aid to those agencies that do not already have such a form, and as a help to those that do in determining the adequacy of the existing forms in complying with the Act.

It is recommended that the Lead Agency develop a set of instructions for filling out the form and be attached to it in a similar fashion to the instructions below.

The plan consists of a questionnaire and form to be filled out by the applicant, supported with certain maps and other documents. Whenever there is insufficient space on the form, the required data shall be added on supplemental sheets, identified by item number. Applicants shall be instructed to answer concisely.

When a reclamation plan is filed merely to cover prospecting and exploration activities, or for the placement of mine waste dumps or recovery of minerals from mine waste dumps and tailings impoundments, the applicant shall indicate "Not Applicable" to those items that do not apply, and confine answers to pertinent matters.

3507.1. Confidential Information. Any operator claiming data of a proprietary nature under Section 2778 should enter an appropriate symbol on the main form, and add the information on a separate sheet labeled "Confidential" and file in a separate envelope with the main form. The Lead Agency shall refrain from requiring the submittal of detailed, specific data that is normally confidential information of the operator pertaining to mining reserves, geological conditions, mineral occurrences, etc., unless such information is necessary for the evaluation of permit applications and mine reclamation plans.

3507.2. Multiple Operations in a Single Plan. A reclamation plan must be prepared for every surface mining operation even if it is not in actual operation at the present time. An operator who has several contiguous or closely-related mining operations that are integrated into one overall operation shall have the option of preparing a single plan encompassing all of the related operations, or of treating any of the separate operations as a single unit, upon approval of the Lead Agency.

It is suggested that lead agencies allow the operator the choice of preparing one complete plan, or in the case of long-lived or complex operations, of submitting an outline plan for the ultimate reclamation and a detailed short-range plan for the first phase of the reclamation. Operators choosing the latter would be required to file a new short-range plan upon the expiration or completion of the preceding plan. The suggested form incorporates this alternative.

3508. Model Surface Mining and Reclamation Ordinance. Appendix C of these regulations is a Model Ordinance for use and guidance of Counties and Cities in meeting the minimum standards for compliance with the California Surface Mining and Reclamation Act of 1975.

Appendix A

SUGGESTED INSTRUCTIONS FOR PREPARATION OF
MODEL RECLAMATION PLAN

Specific instructions are given below for certain items in the suggested model plan:

Item 1. Applicant. Answer items 3–7, where applicable, as “Same as applicant.” If the actual reclamation is to be conducted by a “person” other than the applicant or operator, name and address of said person shall be indicated.

Item 3. If more than one owner, enter name and address of each. If more than one parcel is included in the operation, enter the owners of each parcel. This information is needed under item 25 below. If the surface and mineral rights are separated, show the owners of surface rights under this item. On Federal land, enter U.S.A. as owner, with administrating agency; e.g., USFS, BLM, NPS, etc.

Item 4. Owner of mineral rights – List, if separate from surface owner. If a mining claim, indicate the owner(s) of the possessory rights (claim owner).

Item 6. Operator – List as individual, partnership, corporation, etc. If a joint venture, also show name of managing person or concern.

Item 8. Brief description, including legal, of the mined lands (see definition in Guidelines or Act – Section 2729) in either metes and bounds or by land office subdivisions. Show section(s), township, and range.

Item 10. Location and Vicinity Map. It is suggested that this be shown on a USGS 7–1/2 minute topographic quadrangle sheet (Scale: 1" = 2000') unless larger scale maps are available. If these are not available, or if the operation is extensive, 15 minute sheets (Scale 1" = 1 mile) may be used. Contours, roads, drainage, adjacent towns, etc., should be shown, as well as the site of the operation.

Item 12. A brief and concise answer is requested for this item, including only essential data on geologic formations, structures, rocks and minerals, and nature of the mineral deposit.

Item 13. If an Environmental Impact Report has been or is being filed for the project, the answer to this item may be very brief in outline form, with reference to the EIR. Reference to the EIR may be used to simplify answers to other pertinent items also. Note that soil conditions will be covered in more detail in Item 26.

Item 14. If the applicant's surface mine was already in operation on January 1, 1976, or the operation was conducted prior to that date, so state. If applicant has elected to “phase” his operation, indicate duration of first phase. For anticipated life of long-term operatives, show estimated range; e.g., 35 – 50 years.

Items 15, 16 and 17. If more than one individual pit or quarry is included in the plan, answer these items for each such operation. Note that either tons, or cubic yards (in-place), are requested in Item 16. The unit not used should be crossed out. Include all ore, minerals, overburden and waste as one total quantity in answering Item 16.

Items 20, 21 and 22. In the case of large, integrated operations with several separate mines or pits, it will be to the advantage of the applicant to answer these items in sufficient detail not only for clarifying the nature of his operation, but also for protecting his vested rights under the provisions of the Act. The principle map should be of a scale sufficient to show the required details clearly. For a large operation, a smaller-scale, overall map with larger-scale detail maps of the critical areas may be more practical. In long-range operations, precision of detail is not as important as a clear exposition of the operation. The use of colored symbols or map overlays is recommended to simplify the map preparation. Aerial photographs may be substituted for maps where they adequately indicate the required information.

Items 23 and 24. Applicant shall consult with the Lead Agency before completing these items.

Item 28. If essentially no reclamation may be accomplished during first phase, so indicate and explain.

Appendix B

County/City _____

SUGGESTED MODEL RECLAMATION PLAN

As a guide to Counties and Cities for Compliance with
Section 2772, Surface Mining and Reclamation Act of 1975

OWNER, OPERATOR, AND AGENT:**1. Applicant**

Name
Address

Telephone

2. Name (if any) of Mineral Property _____

3. Property Owners, or owners of surface rights (List all owners).

Name
Address

Telephone

4. Owners of Mineral rights.

Name
Address

Telephone

5. Lessee.

Name
Address

Telephone

6. Operator.

Name
Address

Telephone

7. Agent of Process. (Person designated by operator as his agent for the service of process).

Name
Address

Telephone

LOCATION:

8. Brief description, including legal, of the extent of the mined lands (to be) involved by this operation, including total acreage.

Section(s) _____, Township _____, Range _____,
_____ Meridian.

9. Describe the access route to the operation site.
-

10. Attach Location and Vicinity Map.
-

DESCRIPTION:

11. Mineral commodity (to be) mined: _____
-

12. Geologic description, including brief general geologic setting, more detailed geologic description of the mineral deposit (to be) mined, and principal minerals or rock types present.
-

13. Brief description of environmental setting of the site and the surrounding areas. Describe existing area land use, soil, vegetation, ground water elevation and surface water characteristics, average annual rainfall and/or other factors pertaining to environmental impacts and their mitigation and reclamation.
-

PROPOSED (EXISTING) SURFACE MINING OPERATION:

14. Proposed starting date of operation _____.

Estimated Life of Operation _____

Duration of First Phase _____

15. Operation will be (is): Continuous _____, Seasonal _____,
 Intermittent _____
 Developed,
 not yet in operation _____, Temporarily deactivated _____,
 Stockpile in Mine _____.

16. Operation will be (is):

Under 5,000 tons cu. yds/yr. _____
 5,000 – 50,000 tons cu. yds/yr. _____
 50,000 – 250,000 tons cu. yds/yr. _____
 250,000 – 1,000,000 tons cu. yds/yr. _____
 Over 1,000,000 tons cu. yds/yr. _____

17. *Total anticipated production*

Mineral commodities to be removed – tons (cu. yds.) _____
 Waste retained on the site – tons (cu. yds.) _____
 Waste disposed off site – tons (cu. yds.) _____
 Maximum anticipated depth _____ ft.

18. *Mining Method:* (Check all applicable)

Open Pit _____	Gravel/Sand Pit _____
Single Bench _____	Drill and Blast _____
Quarry:	
Hill Top _____	Clay Pit _____
Multibench _____	Truck to processing _____
Side Hill _____	plant (To RR) _____
Dragline _____	Borrow Pit _____
Low Level _____	Tailings Pond _____
Shovel _____	Slurry Pump _____
Underground _____	Waste dump _____
Gravel bar skimming _____	Rail _____
Other _____	Other _____

- 19a. If processing of the ores or minerals mined is planned to be conducted at or adjacent to the site, briefly describe the nature of the processing and explain disposal method of the tailings or waste from processing.

- 19b. Estimate quantity (gallons per day) and quality of water required by the proposed operation, specifying proposed sources of this water, of method of its conveyance to this property and the quantity and quality and method of disposal of used and/or surplus water.

20. If the nature of the deposit and the mining method used will permit, describe and show the steps or phases of the mining operation that allow concurrent reclamation, and include a proposed time schedule for such concurrent activities.
-

21. Attach a map of the mined lands and/or suitable aerial photograph showing:

- (a) Boundaries and topographic details of the site;
 - (b) Location of all streams, roads, railroads, water wells, and utility facilities within 500 feet of the site;
 - (c) Location of all currently proposed access roads to be constructed in conducting the surface mining operation(s);
 - (d) Location of areas (to be) mined, and of waste dumps and tailings ponds.
 - (e) By use of overlay symbol or color, depiction of separate mining phases if applicable. (See Item 20).
 - (f) The source of map base, orientation (North arrow), and scale (e.g., 1" = 500', etc.) of the map.
-

RECLAMATION PLAN:

22. Indicate on an overlay of map of Item 21, or by color or symbol on map those areas to be covered by reclamation plan.

Acreage _____

23. Describe the ultimate physical condition of the site and specify proposed use(s), or potential uses, of the mined lands as reclaimed.
-

24. Describe relationship of the interim uses other than mining and the ultimate physical condition to:

- (a) Zoning regulations.
 - (b) General plan and plan elements.
-

25. Provide evidence that all owners of a possessory interest in the land have been notified of the proposed use(s) or potential uses identified in Item 22. (Attach copy of notarized statement of acknowledgment, etc.)
-

26. Describe soil conditions and proposed soil salvage plan.
-

27. Describe the methods, their sequence and timing, to be used in bringing the reclamation of the land to its end state. Indicate on map (Item 21-22) or on diagrams as necessary. Include discussion of the pertinent items listed below.
- (a) Backfilling and grading.
 - (b) Stabilization of slopes.
 - (c) Stabilization of permanent waste dumps, tailings, etc.
 - (d) Rehabilitation of pre-mining drainage.
 - (e) Removal, disposal, or utilization of residual equipment, structures, refuse, etc.
 - (f) Control of contaminants, especially with regard to surface runoff and ground water.
 - (g) Treatment of streambeds and streambanks to control erosion and sedimentation.
 - (h) Removal or minimization of residual hazards.
 - (i) Resoiling, revegetation with evidence that selected plants can survive given the site's topography, soil and climate.
-
28. If applicant has selected a short term phasing of his reclamation, describe in detail the specific reclamation to be accomplished during first phase.
-
29. Describe how reclamation of this site in this manner may affect future mining at this site and in the surrounding area.

Appendix C

MODEL ORDINANCE FOR COUNTIES AND CITIES
FOR USE IN MEETING MINIMUM STANDARDS
IN COMPLIANCE WITH THE SMARA

AN ORDINANCE OF THE COUNTY (CITY) OF _____, STATE OF CALIFORNIA

The Board of Supervisors (City Council) of the County (City) of _____, State of California, does ordain as follows:

SECTION _____. The _____ County (City) Code is hereby amended by the addition of Chapter _____ to Title _____, Division _____, containing Sections _____ through _____, inclusive, which shall read as follows:

CHAPTER _____

SURFACE MINING AND RECLAMATION

Sections:

- .011 Purpose and Intent
- .012 Definitions
- .013 Scope
- .014 Permit and Reclamation Plan Requirement
- .015 Review Procedure
- .016 Performance Bond
- .017 Public Records
- .018 Periodic Review
- .019 Amendments
- .020 Variance
- .021 Enforcement
- .022 Appeal
- .023 Separability

.011. Purpose and Intent. (a) This ordinance is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

(b) The Board (Council) hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the County (City) and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(c) The Board (Council) further finds that the reclamation of mined lands as provided in this ordinance will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(d) The Board (Council) further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

.012. Definitions. (a) "Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

(b) "Mined Lands": Includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

(c) "Minerals": Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

(d) "Mining Waste": Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

(e) "Operator": Any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

(f) "Overburden": Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

(g) "Permit": Any formal authorization from, or approved by, the County (City), the absence of which would preclude surface mining operations.

(h) "Person": Any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

(i) "Reclamation": The process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

(j) "State Board": State Mining and Geology Board, in the Department of Conservation, State of California.

(k) "State Geologist": Individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

(1) "Surface Mining Operations": All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (1) Inplace distillation, retorting or leaching.
- (2) The production and disposal of mining waste.
- (3) Prospecting and exploratory activities.

.013. Scope. (a) The provisions of this chapter shall apply to the unincorporated areas of _____ County (incorporated areas of the City of _____).

(b) The provisions of this chapter are not applicable to:

- (1) Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster.
- (2) Prospecting and exploration for minerals of commercial value where less than 1000 cubic yards of overburden is removed in any one location of one acre or less.
- (3) Any surface mining operation that does not involve either the removal of a total of more than 1000

cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.

(4) Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.

(5) Such other mining operations that the County (City) determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified (no such identifications made as of the effective date of these regulations) by the State Board pursuant to Sections 2714(d) and 2758(c). California Surface Mining and Reclamation Act of 1975.

.014. Permit and Reclamation Plan Requirement.

(a) Any person, except as provided in Section 2776, California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this chapter shall, prior to the commencement of such operations, obtain (1) a permit to mine, and (2) approval of a reclamation plan, in accordance with the provisions set forth in this chapter and as further provided in Article 5, California Surface Mining and Reclamation Act of 1975. A fee as established for the permitted uses in the County (City) Fee Ordinance, shall be paid to the County (City) of _____, Department of _____ at the time of filing.

All applications for a Reclamation Plan for surface mining operations shall be made on forms provided by the _____ office of the County (City) Planning (and/or other) Department, and as called for by Section 2772 of California Surface Mining and Reclamation Act of 1975.

(b) No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit to the County (City) Planning Department and receive, within a period of _____ months ("a reasonable period of time"), approval of a Reclamation Plan for operations to be conducted after January 1, 1976, unless a Reclamation Plan was approved by the County

(City) of _____ prior to January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. Nothing in this ordinance shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976.

(c) The State Geologist shall be notified of the filing of all permit applications.

(d) This ordinance shall be continuously reviewed and revised, as necessary, in order to ensure that it is in accordance with the state policy for mined lands reclamation.

.015. Review Procedure. The Planning Department shall review the permit application and the Reclamation Plan and shall schedule a public hearing within _____ days of the filing of both the permit application and the Reclamation Plan. Such public hearing shall be held by the Planning Agency for the purpose of consideration of the issuance of a permit for the proposed surface mining operation.

.016. Performance Bond. Upon a finding by the Planning Agency that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the Planning Department of the cost of the reclamation of the mined land according to the Reclamation Plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the Reclamation Plan shall be filed with the Planning Department. Such surety shall be executed in favor of the County (City) of _____ and reviewed and revised, as necessary, biannually. Such surety shall be maintained in an amount equal to the cost of completing the remaining reclamation of the site as prescribed in the approved or amended Reclamation Plan during the succeeding two-year period, or other reasonable term.

.017. Public Records. Reclamation Plans, reports, applications, and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the County (City) that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The County (City) shall identify such proprietary information as a separate part of each application. A copy of all Permits, Reclamation Plans, reports, applications, and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished to the District Geologist of the State Division of Mines [and Geology] by the County (City) of _____. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975.

.018. *Periodic Review.* As a condition of approval for the Permit or the Reclamation Plan, or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with the Permit and the Reclamation Plan.

.019. *Amendments.* Amendments to an approved Reclamation Plan may be submitted to the County (City) at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the County (City).

Amendments to an approved Reclamation Plan shall be approved by the same procedure as is prescribed for approval of a Reclamation Plan.

.020. *Variance.* Variances from an approved Reclamation Plan may be allowed upon request of the operator and applicant, if they are not one and the same, and upon a finding by the Planning Agency that each requested

variance is necessary to achieve the prescribed or higher post-mining use of the reclaimed land.

.021. *Enforcement.* The provisions of this chapter shall be enforced by any authorized member of the Planning Department of the County (City) of _____ or such other persons as may be designated by the Board (Council).

.022. *Appeal.* Any person aggrieved by an act or determination of the Planning Department administrator in the exercise of the authority granted herein shall have the right to appeal to the Planning Agency and the Board of Supervisors (City Council). Any appeal must be filed on forms provided within _____ days after the rendition, in writing, of the decision.

.023. *Separability.* If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter.

Appendix D

SURFACE MINING & RECLAMATION ACT OF 1975 *

Article 1. General Provisions

2710. This chapter shall be known and may be cited as the Surface Mining and Reclamation Act of 1975.

2711. (a) The Legislature hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(b) The Legislature further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(c) The Legislature further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefor may vary accordingly.

2712. It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated.

2713. It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

2714. The provisions of this chapter shall not apply to any of the following activities:

(a) Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

(b) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

(c) Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.

(d) Such other surface mining operations which the board determines to be of an infrequent nature and which involve only minor surface disturbances.

2715. No provision of this chapter or any ruling, requirement, or policy of the board is a limitation on any of the following:

(a) On the police power of any city or county or on the power of any city or county to declare, prohibit, and abate nuisances

(b) On the power of the Attorney General, at the request of the board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(c) On the power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Part 3 (commencing with Section 3479) of Division 4 of the Civil Code or for any other private relief.

(e) On the power of any city or county to adopt policies, standards, or regulations imposing additional requirements on any person if the requirements do not prevent the person from complying with the provisions of this chapter.

(f) On the power of any city or county to regulate the use of buildings, structures, and land as between industry, business, residents, open space (including agriculture, recreation, the enjoyment of scenic beauty, and the use of natural resources), and other purposes.

2716. Any person may commence an action on his own behalf against the board or the State Geologist for a writ of mandate pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to compel the board or the State Geologist to carry out any duty imposed upon them pursuant to the provisions of this chapter.

2717. The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of the actions, including legislative recommendations, which are necessary to carry out more completely the purposes and requirements of this chapter.

2718. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Article 2. Definitions

2725. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

2726. "Area of regional significance" means an area designated by the board pursuant to Section 2790 which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local significance.

*Passed by 1975 California Legislature as Senate Bill 756, Senator John Nejedly, approved by Governor Edmund G. Brown Jr. September 28, 1975; Filed with Secretary of State September 28, 1975.

2727. "Area of statewide significance" means an area designated by the board pursuant to Section 2790 which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

2728. "Lead agency" means the city or county which has the principal responsibility for approving a surface mining operation pursuant to this chapter.

2729. "Mined lands" includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

2730. "Mining waste" includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

2731. "Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

2732. "Overburden" means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.

2732.5. "Permit" means any authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.

2733. "Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

2734. "State policy" means the state policy for the reclamation of mined lands adopted pursuant to Section 2755.

2735. "Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

Article 3. District Committees

2740. In carrying out the provisions of this chapter, the board may establish districts and appoint one or more district technical advisory committees to advise the board. In establishing districts for these committees, the board shall take into account physical characteristics, including, but not limited to, climate, topography, geology, type of overburden, and principal mineral commodities. Members of the

committees shall be selected and appointed on the basis of their professional qualifications and training in mineral resource conservation, development and utilization, land use planning, mineral economics, or the reclamation of mined lands.

2741. The members of the committee shall receive no compensation for their services, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

Article 4. State Policy for the Reclamation of Mined Lands

2755. On or before January 1, 1977, the board shall adopt state policy for the reclamation of mined lands in accordance with the general provisions set forth in Article I (commencing with Section 2710) of this chapter and pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

2756. State policy shall apply to the conduct of surface mining operations and shall include, but shall not be limited to, measures to be employed by local governments in specifying grading, backfilling, resoiling, revegetation, soil compaction, and other reclamation requirements, and for soil erosion control, water quality and watershed control, waste disposal, and flood control.

2757. The state policy adopted by the board shall be based upon a study of the factors that significantly affect the present and future condition of mined lands, and shall be used as standards by local governments in preparing specific and general plans, including the conservation and land use elements of the general plan, and zoning ordinances. The state policy shall not include aspects of regulating surface mining operations which are solely of local concern, and not of statewide or regional concern, as determined by the board, such as, but not limited to, hours of operation, noise, dust, fencing, and purely aesthetic considerations.

2758. Such policy shall include objectives and criteria for all of the following:

- (a) Determining the lead agency pursuant to the provisions of Section 2771.
- (b) The orderly evaluation of reclamation plans.
- (c) Determining the circumstances, if any, under which the approval of a proposed surface mining operation by a lead agency need not be conditioned on a guarantec assuring reclamation of the mined lands.

2759. The state policy shall be continuously reviewed and may be revised. During the formulation or revision of such policy, the board shall consult with, and carefully evaluate the recommendations of, the State Geologist, any district technical advisory committees, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

2760. The board shall not adopt or revise the state policy unless a public hearing is first held respecting their adoption or revision. At least 30 days prior to such hearing, the board shall give notice of the hearing by publication pursuant to Section 6061 of the Government Code.

2761. (a) On or before January 1, 1977, and, as a minimum, after the completion of each decennial census, the Office of Planning and Research shall identify urban and urbanizing portions of the following areas within the state subject to urban expansion or other irreversible land uses:

- (1) Standard metropolitan statistical areas and such other areas for which information is readily available.
- (2) Other areas as may be requested from time to time by the board.

(b) In accordance with a time schedule, and based upon guidelines adopted by the board, the State Geologist shall classify, on the basis solely of geologic factors, and without regard to existing land use and land ownership, the areas identified by the Office of Planning and Research, and such other areas as may be specified by the board, as one of the following:

- (1) Areas containing little or no mineral deposits.
- (2) Areas containing significant mineral deposits.
- (3) Areas containing mineral deposits, the significance of which requires further evaluation.

(c) As it is completed by county, the State Geologist shall transmit such information to the board for incorporation into the state policy and for transmittal to lead agencies.

2762. (a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:

- (1) Recognize mineral information classified by the State Geologist and transmitted by the board.
- (2) Assist in the management of land use which affect areas of statewide and regional significance.
- (3) Emphasize the conservation and development of identified mineral deposits.

(b) Every lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.

(c) Any subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board.

(d) Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area described in paragraph (3) of subdivision (b) of Section 2761, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. The results of such evaluation shall be transmitted to the State Geologist and the board.

Article 5. Reclamation Plans and the Conduct of Surface Mining Operations

2770. Except as specified in Section 2776, no person shall conduct surface mining operations unless a permit is obtained from, and a reclamation plan has been submitted to, and approved by, the lead agency for such operation pursuant to this article.

2771. Whenever a proposed surface mining operation is within the jurisdiction of two or more public agencies, is a permitted use within the agencies, and is not separated by a natural or manmade barrier coinciding with the boundary of the agencies, the evaluation of the proposed operation shall be made by the lead agency in accordance with the procedures adopted by the lead agency pursuant to Section 2774. In the event that a dispute arises as to which is the lead agency, any public agency which is a party to the dispute may submit the matter to the board; and the board shall designate the lead agency, giving due consideration to the capability of such agency to fulfill adequately the requirements of this chapter.

2772. The reclamation plan shall be filed with the lead agency on a form provided by the lead agency, by any person who owns, leases, or otherwise controls or operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations thereon.

The reclamation plan shall include the following information and documents:

(a) The name and address of the operator and the names and addresses of any persons designated by him as his agents for the service of process.

(b) The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

(c) The proposed dates for the initiation and termination of such operation.

(d) The maximum anticipated depth of the surface mining operation.

(e) The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation, and the names and addresses of the owners of all surface and mineral interests of such lands.

(f) A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

(g) A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

(h) A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including: (1) a description of the manner in which contaminants will be controlled, and mining waste will be disposed; and (2) a description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur.

(i) An assessment of the effect of implementation of the reclamation plan on future mining in the area.

(j) A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.

(k) Any other information which the lead agency may require by ordinance.

2773. The reclamation plan shall be applicable to a specific piece of property or properties, and shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.

2774. Every lead agency shall adopt ordinances establishing procedures for the review and approval of reclamation plans and the issuance of a permit to conduct surface mining operations. Such procedures shall require at least one public hearing and periodic inspections of surface mining operations, and may include provisions for liens, surety bonds, or other security to guarantee reclamation in accordance with the reclamation plan. Such ordinances shall be continuously reviewed and revised, as necessary, in order to ensure that such ordinances are in accordance with state policy. Lead agencies shall notify the State Geologist of the filing of an application for a permit to conduct surface mining operations.

On request of a lead agency, the State Geologist shall furnish technical assistance to assist in the review of reclamation plans.

2775. (a) An applicant whose request for a permit to conduct surface mining operations in an area of statewide or regional significance has been denied by a lead agency, or any person who is aggrieved by the granting of a permit to conduct surface mining operations in an area of statewide or regional significance, may, within 15 days of exhausting his rights to appeal in accordance with the procedures of the lead agency, appeal to the board.

(b) The board may, by regulation, establish procedures for declining to hear appeals that it determines raise no substantial issues.

(c) Appeals that the board does not decline to hear shall be scheduled and heard at a public hearing held within the jurisdiction of the lead agency which processed the original application within 30 days of the filing of the appeal, or such longer period as may be mutually agreed upon by the board and the person filing the appeal. In any such action, the board shall not exercise its independent judgment on the evidence but shall only determine whether the decision of the lead agency is supported by substantial evidence in the light of the whole record. If the board determines the decision of the lead agency is not supported by substantial evidence in the light of the whole record it shall remand the appeal to the lead agency and the lead agency shall schedule a public hearing to reconsider its action.

2776. No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as such vested right continues; provided, however, that no substantial changes may be made in any such operation except in accordance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has, in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the lead agency and receive, within a reasonable period of time, approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the lead agency prior to January 1, 1976 and the person submitting the plan has accepted responsibility for reclaiming the mined lands in accordance with the reclamation plan.

Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976.

2777. Amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the lead agency.

2778. Reclamation plans, reports, applications, and other documents submitted pursuant to this chapter are public records, unless it can be demonstrated to the satisfaction of the lead agency that the release of such information, or part

thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The lead agency shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Geologist and to persons authorized in writing by the operator and by the owner.

A copy of all reclamation plans, reports, applications, and other documents submitted pursuant to this chapter shall be furnished to the State Geologist by lead agencies on request.

2779. Whenever one operator succeeds to the interest of another in any incompleated surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.

Article 6. Areas of Statewide or Regional Significance

2790. After receipt of mineral information from the State Geologist pursuant to subdivision (c) of Section 2761, the board may by regulation adopted after a public hearing designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries thereof. Such designation shall be included as a part of the state policy and shall indicate the reason for which the particular area designated is of significance to the state or region, the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved from extraction of the minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area.

2791. The board shall seek the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of areas of statewide and regional significance.

2792. Neither the designation of an area of regional or statewide significance nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized pursuant to Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code, pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), or by a building permit or other authorization to commence development, upon which such person relies and has changed his position to his substantial detriment, and, which permit or authorization was issued prior to the designation of such area pursuant to Section 2790. If a developer has by his actions taken in reliance upon prior regulations obtained vested or other legal rights that in law would have prevented a local public agency from changing such regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

2793. The board may, by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the board is no longer required.

PART II
GUIDELINES
FOR
CLASSIFICATION AND DESIGNATION
OF MINERAL LANDS

PREFACE

The Surface Mining and Reclamation Act of 1975, enacted as Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt state policies relative to mineral resource production and conservation.

Pursuant to this requirement the Board adopted the Guidelines for Classification and Designation of Mineral Lands following a June 30, 1978 public hearing held in Sacramento, California.

CHAPTER 8. MINING AND GEOLOGY

SUBCHAPTER 1. State Mining and Geology Board

Article II. GUIDELINES FOR CLASSIFICATION
AND DESIGNATION OF MINERAL LANDS

INTRODUCTION—The purpose of these guidelines is to implement the Surface Mining and Reclamation Act of 1975 by providing direction to the State Geologist in carrying out mineral resource classification of lands in California that are threatened by uses which would be incompatible with or would preclude mining. In addition, these guidelines establish procedures by which the State Mining and Geology Board may designate mineral-bearing areas of statewide or of regional significance.

Classification is the process of identification of lands containing significant mineral deposits. *Designation* is the formal recog-

nition by the Board, after consultation with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide significance that should be protected from land uses incompatible with mineral extraction. The objective of the classification and designation processes is to insure, through appropriate lead agency policies and procedures, that mineral deposits of statewide or of regional significance are available when needed.

It is the Board's intention to review the guidelines from time to time and to revise them as necessary.

SECTION I. GUIDELINES FOR CLASSIFICATION
OF MINERAL LANDS1. *Classification Criteria*

(a) In accordance with these guidelines and a schedule adopted by the Board, the State Geologist shall classify areas of the State threatened by land uses incompatible with, or that would preclude, mining. Such areas will be classified into Mineral Resource Zones (MRZ) and Scientific Resource Zones (SZ), as defined in this section, and shall be based on geologic and economic factors without regard to existing land use and land ownership. The areas to be studied and their order of study shall be specified by the Board in consultation with the State Geologist.

(b) To be considered significant for the purpose of the classification of mineral lands, a mineral deposit, or a group of deposits that can be mined as a unit must meet the following criteria of marketability and threshold value. In these guidelines the term *mineral deposits* denotes natural occurrences of rock or mineral materials in or on the earth's crust that are known to be economically minable and such rock or mineral materials that are not minable at present but which may come into such demand as to become economically minable in the foreseeable future. The term *mineral resources* is used herein as a collective term for all mineral deposits of a particular kind, or for mineral deposits in general. The size of mineral deposits for the purpose of evaluating marketability and threshold value shall include the amounts of naturally occurring rock or mineral material, of known or potential economic interest, that can be measured, indicated, or inferred by using available geologic and geophysical evidence in commonly accepted fashion. The terms *measured*, *indicated*, and *inferred* are to be used as defined by the U.S. Bureau of Mines and the U.S. Geological Survey in U.S. Geological Survey Bulletin 1450-A.

(1) *Marketability*—In determining marketability, mineral deposits shall be divided into two categories, those containing non-strategic and those containing strategic mineral

commodities. Unique or rare occurrences of rocks, minerals or fossils that are of outstanding scientific significance are not required to meet marketability criteria.

(i) *Non-strategic mineral commodities* are those which are available domestically and of which the United States imports less than 65 percent of its needs as reported annually by the U.S. Bureau of Mines. Deposits of mineral commodities in this category must be minable, processable, and marketable under the technologic and economic conditions that exist at present or which can be estimated to exist in the foreseeable future. The amount of mineral resources needed for periods of the foreseeable future (50 years) shall be projected using past consumption figures, with appropriate adjustments based upon anticipated changes in market conditions and mining technology.

(ii) *Strategic mineral commodities* are those that are in short domestic supply and important for national defense or the well-being of the domestic economy. For the purposes of these guidelines they are those mineral commodities of which the United States imports more than 65 percent of its needs, as reported annually by the U.S. Bureau of Mines, that are judged to be minable, processable, and marketable in the foreseeable future if non-domestic sources of supply are cut off.

(iii) *Foreseeable future*, as used in this paragraph and elsewhere in the guidelines is a time span of approximately 50 years. Because some of the conditions affecting extraction and marketability cannot be accurately projected 50 years into the future, conservative estimates shall be made in assessing whether a particular mineral resource can be mined, processed and marketed within the next 50 years.

(2) *Threshold value* is the projected value (gross selling price) of the first marketable product from an individual mineral deposit or from a group of deposits that can be operated as a unit, upon completion of extraction and any required mineral separation and processing. For those deposits which meet the marketability criteria, only those estimated to exceed the following threshold values in 1978—equivalent dollars shall be considered significant. These threshold values are intended to indicate in a general way the approximate minimum size of a mineral deposit that will be considered significant for classification and designation. They are not intended, nor in practice could they be, for use as precise cut off values. For some deposits in some areas larger or smaller value than those specified would be required for a marketable deposit. If for technological or other reasons one or more parts of a mineral deposit cannot meet the marketability criteria, those parts shall not be considered in estimating whether the deposit exceeds the threshold value.

(i) *Construction materials* (minimum value \$5,000,000)—Mineral materials capable of being used in construction, such as sand and gravel or crushed rock, which normally receive minimal processing, commonly washing and grading, and for which the ratio of transportation costs to value of the processed material at the mine is high.

(ii) *Industrial and chemical mineral materials* (minimum value \$1,000,000)—Non-metallic mineral materials that normally receive extensive processing, such as heat or chemical treatment or fine sizing, and for which the ratio of transportation costs to value of the material at the mine is moderate or low. Examples of this category include:

- Limestone, dolomite, and marble except where used as construction aggregate
- Specialty sands
- Clays
- Diatomite
- Phosphate
- Coal, Lignite, or peat mined primarily as a raw material for chemicals such as montan wax
- Salines and evaporate such as borates and gypsum
- Feldspar
- Talc
- Building and dimension stone
- Asbestos
- Rock varieties producible into granules, rock flour, mineral wool, expanded shale, pozzolans and other similar commodities

(iii) *Metallic and rare minerals* (minimum value \$500,000)—Metallic elements and minerals, gemstones, and minerals that possess special properties valuable to science or industry. The ratio of transportation costs to the value of the material at the mine for this category is low. Examples include ores, deposits or crystals of:

- Precious metals (gold, silver, platinum)
- Iron and other ferro alloy metals (iron, tungsten, chromium, manganese)
- Base metals (copper, lead, zinc)
- Mercury
- Uranium and thorium except syngenetic deposits in shale
- Rare earths
- Minor metals including rubidium and cesium
- Gemstones and semi-precious materials

- Niobium, tantalum
- Optical grade calcite

(iiii) *Non-fluid mineral fuels* (minimum value \$1,000,000)—Non-hydrothermal mineral fuels occurring in sedimentary rocks. Examples include:

- Coal
- Lignite
- Peat
- Organic shale
- Tar sand
- Uranium and thorium (syngenetic deposits in shale)

(iiiii) *Unique or rare occurrences of rocks, minerals, or fossils* that are of outstanding scientific significance (no threshold value).

2. Mineral Resource Zones (MRZ) and Scientific Resource Zones (SZ)

The following MRZ and SZ categories shall be used by the State Geologist in classifying the State's lands. The geologic and economic data and the arguments upon which each unit MRZ or SZ assignment is based shall be presented in the land classification information transmitted by the State Geologist to the Board.

(a) *MRZ-1* Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that there is little likelihood exists for their presence. This zone shall be applied where well developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is nil or slight.

(b) *MRZ-2* Areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.

(c) *MRZ-3* Areas containing mineral deposits the significance of which cannot be evaluated from available data.

(d) *MRZ-4* Areas where available information is inadequate for assignment to any other MRZ zone.

(e) *SZ* Areas containing unique or rare occurrences of rocks, minerals or fossils that are of outstanding scientific significance shall be classified in this zone.

3. Documentation and Transmittal of Mineral Lands Classification Data

(a) Areas assigned by the State Geologist to mineral resource zones shall be delineated on suitable maps of a scale adequate for use on lead agency general plan maps. These maps shall also show the boundaries of each permitting authority in the report area.

(b) A map at a convenience scale and a summary report showing the mineral lands classification for an entire county or, at the direction of the Board, major subdivisions of a county, or a major mineral district that includes portions of two or more counties, shall be prepared after classification is complete. Each map and report shall be submitted to the

Board which, after review and approval, shall transmit it to the appropriate lead agencies and make it available to other interested parties.

(c) Mineral land classification reports of regions containing *Construction Materials* classified *MRZ-2* shall include the following additional information for each such mineral commodity:

(1) The location and an estimate of the total quantity of each such construction material that is geologically available for mining in the report region. The limits of the region shall be considered to be the consumption areas for each potentially producible construction mineral commodity under consideration.

(2) An estimate of the total quantity of each such construction material that will be needed to supply the requirements of both the county and the marketing region in which it occurs for the next 50 years. The marketing region is defined as the area within which such material is usually mined and marketed. The amount of each construction material mineral resource needed for the next 50 years shall be projected using past consumption rates adjusted for anticipated changes in market conditions and mining technology. These estimates shall be periodically reviewed as provided in Section 1, Subsection 7.

4. *Classification Priorities*

Potential mineral lands that are most likely to be converted to uses that are incompatible with mining or which would preclude mining shall be classified first. Where the risk of conversion to incompatible land uses is equal, those areas with mineral deposits of greatest statewide or regional significance shall be classified first. The potential for loss may be through the process of urbanization or through other irreversible uses of the mineral lands or of adjoining lands, with which mineral extraction would be incompatible.

5. *Petitions for Mineral Lands Classification*

(a) Petitions may be brought before the Board by any individual or organization to classify mineral lands that are claimed to contain significant mineral deposits and which are claimed to be threatened by land uses incompatible with mining. Classification is a prerequisite to designation of regional or statewide significance. Once an area is classified as *MRZ-2*, or *SZ*, a petition may be submitted for designation consideration under Section II, Subsection 4. If a petitioner can supply sufficient geologic and economic data to support an *MRZ-2* or *SZ* classification by the State Geologist, he may also petition the Board to consider designation. It is expected that such a joint petition will include detailed information, and supportive data on the amounts and value of mineral deposits claimed to be *MRZ-2* or *SZ* and other information required under Section II, Subsection 4, *Petitions for Designation*. The threat to a mineral deposit may be due to incompatible uses of adjoining lands that would preclude mining, as well as to mineral lands themselves. Petitions submitted to the Board shall include the following information.

(1) The petitioner's name, mailing address, and interest (beneficial, jurisdictional, or other) in the area to be considered for classification.

(2) A map (USGS 7½' quadrangle or other appropriate map) showing the boundaries of the area the petitioner wishes to be classified.

(3) A description of the significant mineral deposits claimed to occur within the area described, including sufficient geologic and economic data to support the claim that the mineral deposits are significant as defined in these guidelines.

(4) The imminency of the threatened change, if any, in the use of land containing the claimed significant mineral deposits to a use which would prevent their mining. The petitioner should be prepared to supply full documentation if requested.

(5) The name and mailing address of each recorded land owner and each recorded lessee in and adjoining the area described.

(b) The State Geologist shall make an evaluation of the data submitted in the petition as to its accuracy and sufficiency and determine if the area can be classified on the basis of both submitted and other readily available information. A recommendation shall be then submitted to the Board concerning:

(1) The urgency of the requested classification.

(2) The sufficiency of the submitted and other readily available data as a basis for classification, and the scope of any additional investigation required.

(3) An estimation of the time required to classify the area.

(c) Following the State Geologist's report, the Board shall determine the priority for classification of the land described in the petition in relation to other areas in the State's mineral lands classification program. Classification of the area will then proceed according to its assigned priority.

6. *Lead Agency Responsibilities*

(a) Within 12 months of receiving the mineral lands classification map and report, every lead agency shall, in accordance with state policy, develop and adopt mineral resource management policies to be incorporated in its general plan which will:

(1) Recognize the mineral classification information, including the classification maps, transmitted to it by the Board and include the classification maps in its general plan.

(2) Emphasize the conservation and development of identified significant mineral deposits.

(b) Every lead agency shall submit its proposed mineral resource management policies to the Board for review and comment prior to adoption.

(c) Any subsequent amendment of the mineral resource management policies previously reviewed by the Board shall also require review and comment by the Board.

(d) Prior to permitting a use which would threaten the potential to extract minerals classified by the State Geologist as *MRZ-3*, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the statewide or regional significance of the mineral deposits known or inferred to be located therein. The results of such an evaluation shall be transmitted to the State Geologist and to the Board for review and comment.

7. *Periodic Review of Classified Lands*

(a) After a period not to exceed 10 years following transmittal of mineral land classification information to lead agencies, the State Geologist shall review the information to determine whether:

- (1) A reclassification of the area is necessary.
- (2) The projected requirements for *Construction Materials* (Subsection 3c of Section I of these guidelines) for 50 years

should be revised. The State Geologist shall report the results of such reviews to the Board together with his recommendations.

(b) The Board may direct the State Geologist to reexamine mineral lands already classified on the basis of his recommendation, or for other reasons. Any resulting reclassification shall be treated in the same manner as the original classification, and employ the same marketability and threshold criteria. The approximate span of time indicated above as being "the foreseeable future" for purposes of estimating marketability shall begin anew at time of reclassification.

SECTION II. PROCEDURES FOR DESIGNATION OF LANDS CONTAINING SIGNIFICANT MINERAL DEPOSITS

1. *Designation Criteria*

Areas to be considered for designation by the Board will contain one or more mineral deposits of statewide or regional significance. Ordinarily, classification of an area as MRZ-2 by the State Geologist will constitute adequate evidence that an area contains significant mineral deposits, but other data shall be considered by the Board in determining the significance of specific mineral deposits and the desirability of designation.

statewide or of regional significance. Such review and comment should address:

2. *Designation Procedures*

(a) Upon receipt from the State Geologist of a mineral lands classification map and report delineating one or more areas classified as MRZ-2 or SZ, the Board shall:

(1) Review the map and report to determine the sufficiency of the submitted data as a basis for designation, and request such additional information as may be required for the State Geologist or other sources.

(2) Determine the need for, and the priority of, designating the MRZ-2 and SZ areas, taking into consideration the importance of the mineral deposits to the State or region thereof and the imminency of any threatened land use changes that would be incompatible with mineral extraction.

(3) Notify the appropriate lead agencies of the decision to consider designation of one or more mineral resource areas within their jurisdiction.

(4) Set a date and place for a public hearing to consider the areas which the Board proposes to designate as containing mineral deposits of statewide or regional significance. If practicable, the public hearing shall be held in or near the county in which the area proposed for designation occurs.

(5) Notify all affected agencies and parties having an interest in the lands considered for designation.

(b) At the public hearing to consider proposed designations, the Board shall seek the recommendations of concerned federal, state and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of mineral deposits of

(1) The adequacy of the mineral land classification data transmitted by the State Geologist and of any additional data transmitted by the Board, which together will constitute the principal basis for designation.

(2) Additional data bearing on the presence and marketability of mineral deposits proposed to be of statewide or of regional significance in the area under consideration.

(3) The need, amount and location of mineral deposits of regional significance, namely *Construction Materials* as defined in Section 1, Subsection 1b of these guidelines, that should be designated to provide for the needs of the region for 50 years.

(4) The need for the proposed designation of each mineral deposit of statewide significance, namely, *Industrial and Chemical Mineral Materials, Metallic and Rare Minerals, Non-fluid Mineral Fuels, and Rocks, Minerals and Fossils of Outstanding Scientific Significance*, as defined in Section 1, Subsection 1b of these guidelines. Ordinarily, such deposits are uncommon or rare, and economically significant occurrences warrant designation. However, some types, such as low grade limestone, low grade clays and other rock varieties that may be processed into valuable mineral products are often present in such large quantities that designation would be warranted only where special circumstances exist. Such circumstances might include proximity of a mineral deposit to markets, transportation, energy sources, or to other raw materials with which they could be combined to produce more valuable products.

(5) The existing uses of the areas proposed for designation and the future uses of these areas adopted by local agencies.

(6) Values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Following the public hearing, the Board may designate to be of statewide or regional significance, and include in state policy, all or part of the areas classified as MRZ-2 or SZ. The designation shall specify the following:

(1) The boundaries of the designated area.

(2) The mineral deposits of statewide or of regional significance contained in each designated area and an estimate of the amount of each mineral commodity that is available for mining under present or foreseeable technologic, economic and land use conditions, for MRZ-2 areas, or a description of the materials of scientific value in the SZ area.

(3) The reason that each designated area is of significance to the State or region, the advantages to the State or region that might be achieved from the extraction of the minerals of the area, and the adverse effects that might result from premature development to land uses which would preclude mining.

(4) The time limit, if any, for the designation.

(5) The specific goals and policies to protect the areas containing mineral deposits designated to be of statewide or regional significance from premature development to uses which would preclude mining, or to uses with which mining would be incompatible.

(6) Lead agencies having jurisdiction over the area.

3. *Lead Agency Designation Responsibilities*

(a) Upon designating an area containing significant mineral deposits the Board will transmit a report of its action to the affected lead agencies. The report will include a map of the designated areas at a scale suitable for general plan purposes.

(b) Every lead agency within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, shall:

(1) Recognize and include in its general plan the designated areas of statewide and regional significance transmitted to it by the Board.

(2) Develop and adopt policies for the management of land use of areas classified MRZ-2 or SZ and designated by the Board as areas of statewide and regional significance to protect those areas from premature development incompatible with mining.

(3) Emphasize the conservation and development of mineral deposits designated by the Board to be of statewide or regional significance.

(c) Prior to the adoption of mineral resource management policies, lead agencies shall submit them to the Board for review and comment. The Board shall make its comment within 60 days of receipt of the proposed policies. Any subsequent amendment to these resource management policies shall also require Board review and comment.

(d) The Board shall continuously monitor local government implementation of its mineral resource management policies for designated areas.

4. *Petitions for Designation*

(a) Prior to permitting a use which would threaten the potential to extract minerals classified by the State Geologist as MRZ-2 or SZ but not yet designated, the lead agency may petition the Board for a designation hearing.

(b) Petitions for a designation hearing may also be brought before the Board by any other party provided that the Board has received and approved land classification information that indicates that the area in question is classified MRZ-2 or SZ and that the Board has not yet considered designation. Petitions submitted to the Board shall include the following information.

(1) The petitioner's name, mailing address and interest (beneficial, jurisdictional, or other) in the area to be considered for designation.

(2) A map (USGS 7½' quadrangle or other appropriate map) showing the boundaries of the MRZ-2 or SZ area the petitioner wishes to be designated.

(3) The reasons for requesting designation.

(4) The name and mailing address of each recorded land owner and each recorded lessee in and adjoining the area described. The Board shall then evaluate the data submitted in the petition as to its accuracy and sufficiency. If the Board finds that the petition contains sufficient information and arguments to require a public hearing, then the Board shall schedule such a hearing and proceed as outlined in this section.

5. *Termination of Designation Status*

(a) The status of mineral lands previously designated to be of statewide or regional significance may be terminated, either partially or wholly, by the Board on a finding that the protection afforded by designation is no longer necessary. In making this finding the Board shall consult with affected lead agencies as to the desirability of terminating designation. Such a finding may result from, but not be limited to, the following reasons:

(1) Depletion of the mineral deposit or deposits within the designated area.

(2) The mineral deposit or deposits within the designated area are shown to be in excess of quantities required for present or foreseeable future statewide or regional needs.

(3) Ending of the time limit, if any, for the designation to be in force.

(b) Prior to making such a finding, the Board shall hold a public hearing. If practicable it shall be held in or near the county in which the designated areas occur.

(c) Petitions may be brought before the Board to terminate the designated status of mineral lands. Petitions submitted to the Board shall include the following information:

(1) The petitioner's name, mailing address and interest (beneficial, jurisdictional or other) in the petitioned area.

(2) A map (USGS 7½' quadrangle or other appropriate map) and legal description of the petitioned area.

(3) Reference shall be made to the specific Board action which designated the area.

(4) The reasons and supporting data as to why direct Board involvement is no longer necessary. The Board shall then evaluate the data submitted in the petition as to its

accuracy and sufficiency. If the Board finds that the petition contains sufficient information and arguments to require a public hearing on termination, then the Board shall schedule such a hearing and proceed as outlined in this section.

6. CEQA Compliance

The designation by the Mining and Geology Board of mineral bearing areas as being of regional or statewide significance is an

activity which requires compliance with the California Environmental Quality Act (CEQA), and an environmental impact report will be required if the designation may have a significant effect on the environment. The Board will have the responsibility for preparing any environmental documents which may be required with the assistance of the State Geologist and the Division of Mines and Geology (Adopted 1/3/79).

SECTION III. GUIDELINES FOR CLASSIFICATION-DESIGNATION PETITIONS (Adopted 7/12/79)

1. Introduction

The State Mining and Geology Board recognizes the mineral potential of non-urban areas in California such as the California Desert Conservation Area and other federal lands in the state. However, the Board is constrained in pursuing a comprehensive classification-designation program in these areas because of the urban orientation of the Surface Mining and Reclamation Act and restrictions in the 1978 Budget Act.

The Surface Mining and Reclamation Act, Section 2761, provides that the State Geologist shall classify for mineral potential, areas identified by the Office of Planning and Research as urban and urbanizing, and such other areas as may be specified by the Board. The 1978 Budget Act requires that "positions engaged in the classification of mineral resource areas pursuant to Section 2761 of the Public Resources Code shall be used principally for the classification of such areas within urban and urbanizing portions of the State that are subject to urban expansion or other irreversible land uses".

A petition process is provided in the Board's "Guidelines for Classification and Designation of Mineral Lands" as a means of bringing to the Board's attention significant mineral deposits which have not yet been classified in both urban and non-urban areas that are subject to irreversible land uses incompatible with mining.

However, petitions for mineral deposits in non-urban areas submitted pursuant to the guidelines may not be acted upon in a timely fashion due to funding and staffing constraints. Rather than place a moratorium on petitions from these areas, the Board developed criteria to guide it in accepting petitions and establishing their priority for classification.

These criteria also serve as a guide to potential petitioners in assessing whether a petition for a particular deposit may be acceptable to the Board and also as a guide in preparing petitions. The State Mining and Geology Board urges petitioners to review the petition process closely in the context of the classification-designation process.

It should be recognized that petitioning does not create an instantaneous action, but rather starts in motion the classification-designation process which requires actions by the State Geologist, the Mining and Geology Board, and lead agencies prior to a final land-use decision.

The Board shall notify affected lead agencies upon formal acceptance of a petition for classification and provide them with

a copy of the petition. The Board shall also notify lead agencies of each petition's assigned priority for classification.

2. Criteria for Consideration of Petitions

(a) The State Mining and Geology Board shall be guided in its consideration of petitions for classification-designation by the following criteria:

(1) The petitioned mineral deposit must meet the threshold value and other criteria for classification as MRZ-2 as specified in Section 1, paragraphs 1 (Classification Criteria) and 2 (Mineral Resource Zones and Scientific Zones) of the "Guidelines for Classification and Designation of Mineral Lands".

(2) The petitioned deposit must be threatened by a land use incompatible with mining which is of such imminency that Board action is required. The threat must be one that could be alleviated by a lead agency responsible for making land-use decisions pursuant to SMARA and Board guidelines.

(3) The petitioner must supply sufficient geologic and economic data with each petition to enable the State Geologist to classify the mineral deposit areas that are the subject of the petition. If the petitioner desires that deposits in areas classified as MRZ-2 by the State Geologist be designated by the Board as being of statewide or regional significance, then the petitioner must supply the environmental information required by the California Environmental Quality Act. Information submitted with the petitions will be of public record.

(4) Petitions will require a third party review of the submitted mineral resource data to determine:

(i) If the submitted data is adequate, and

(ii) If the deposit meets the threshold value and other criteria required to qualify for classification as MRZ-2.

Petitions will also require a third party analysis of the land-use threat, its incompatibility with mining, and its imminency. The reviewers, who shall be funded by the petitioner, shall be selected by and report to the Board and State Geologist.

(b) A petition form is provided in Appendix C.

3. *Priority Considerations*

(a) After acceptance of a petition by the Board, its priority for classification shall be established in consultation with the State Geologist. The Board shall be guided by the following considerations:

(1) Petitions for mineral deposits in urban and urbanizing areas that require market or area surveys (i.e. construction materials) shall be considered in the context of priorities

established by the Board for the Division of Mines and Geology's five-year mineral lands classification program. See Appendices A and B for the priorities of this program.

(2) Petitions for specific mineral deposits in non-urban areas which do not require market or area surveys (i.e. industrial and chemical mineral materials, metallic and rare minerals, and non-fluid mineral fuels) shall be assigned a priority by the Board for consideration for spot classification and designation on the basis of their apparent economic significance to the state and urgency for classification.

Appendix A

STATE MINING AND GEOLOGY BOARD
State of California

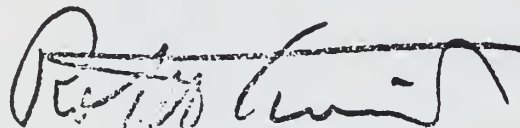
RESOLUTION NO. 22

WHEREAS the Board recognizes the importance of prioritizing classification projects so that potential mineral lands that are most likely to be converted to uses that are incompatible with mining are classified first (in conformance with Section 2761(b) of the Surface Mining and Reclamation Act of 1975 (SMARA) and the Guidelines for Classification and Designation of Mineral Lands adopted by the Board on June 30, 1978) and,

WHEREAS the Board recognizes the importance of periodically reviewing classification priorities to insure that the mineral resource conservation objectives of SMARA and the Board's guidelines are being met within existing funding and staffing constraints,

THEREFORE be it resolved that the prioritized list of mineral lands classification projects as adopted on January 13, 1978 be revised. The revised list as attached separates urban from non-urban and other areas for classification purposes. Priority is to be given to urban areas and their geographical subdivisions.

ADOPTED: November 2, 1978

A handwritten signature in black ink, appearing to read "Robert H. Twiss", written over a horizontal line.

Robert H. Twiss
Chairman

Priorities for Mineral Lands
Classification

November 2, 1978

I. *Urban Areas*

- Priority 1

- A. Greater Los Angeles Basin

- B. East San Francisco Bay Counties

- Priority 2

- A. South, West and North San Francisco Bay Counties

- B. Sacramento-San Joaquin Valley Urbanizing Areas

- Priority 3

- A. Western San Diego County

- B. Coastal Ventura and Santa Barbara County Areas

- C. Solano-Napa-Yolo Urbanizing Areas

- D. Bakersfield and Palmdale Areas

- E. San Luis Obispo-Santa Maria Area

- F. Fresno Area

II. *Non-Urban and other areas not covered above*

- Priority 1

- California Desert Conservation Area (CDCA)

- Priority 2

- Forest Lands—RARE II Areas

- Priority 3

- Other Areas

Appendix B

STATE MINING AND GEOLOGY BOARD
State of California*RESOLUTION NO. 33*

The State Mining and Geology Board recognizes the importance of prioritizing classification projects so that potential mineral lands that are most likely to be converted to uses that are incompatible with mining are classified first. On November 2, 1978, priorities for mineral lands classification were adopted, which placed the coastal Ventura - Santa Barbara County area in a Priority 3 category under urban areas.

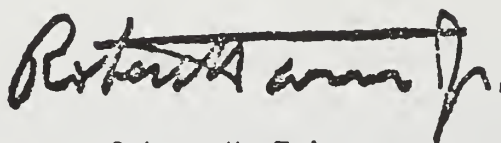
The Board also recognizes the importance of periodically reviewing classification priorities to insure that the mineral resource conservation objectives of the Surface Mining and Reclamation Act and of the Board's Guidelines for Classification and Designation of Mineral Lands are being met within existing funding and staffing constraints.

Ventura County is faced with a one year deadline for completing an Environmental Impact Report, which is required before conditional use permits can be issued to sand and gravel operators in the coastal Ventura County area (lower Santa Clara River production-consumption area #VI). This area supplies about 90% of the sand and gravel for the Ventura-Oxnard area. Flood Control District restrictions on digging depths make it necessary to permit aggregate mining in areas outside the River's flood control channel or to import sand and gravel to assure a continued supply of construction aggregate.

It is felt by the County, aggregate producers within the area, and recommended by the State Geologist that the classification of this area would be useful in assessing the need for, and location of new aggregate resources to be committed to mining in the future.

Therefore, the State Mining and Geology Board resolves to alter its priorities adopted November 2, 1978, to permit the classification of the Ventura coastal area (lower Santa Clara River Production-Consumption Region #VI) as Priority 1 under urban areas, and following the classification of the San Gabriel (#IV) and Orange County (#III) Production-Consumption Regions of the greater Los Angeles area.

ADOPTED: May 25, 1979

A handwritten signature in dark ink, appearing to read "Robert H. Twiss", with a horizontal line drawn through the middle of the signature.

Robert H. Twiss
Chairman

Appendix C

Petition for
Classification-Designation
of Mineral LandsPart I
Mineral Information

1. The petitioner's name, mailing address and interest (beneficial, jurisdictional, or other) in the area to be considered for classification.

2. Name and legal description of petitioned deposit. Attach map (USGS 7 1/2' quadrangle or other appropriate map) showing the boundaries of the area the petitioner wishes to have classified.

3. A description of the significant mineral deposits claimed to occur within the area described, including sufficient geologic and economic data to support the claim that the mineral deposits are significant as defined in the "Guidelines for Classification-Designation of Mineral Lands".

- a. Geologic setting (Attach map)

- b. Mineral commodities

- c. Value of deposit ^{-1,-2}

Tonnage ⁻² _____ Grade ⁻² _____

- 1 Gross selling price of first marketable product
-2 Estimated values

The mineral information (Part I) of this petition and its supporting documentation have been reviewed by the undersigned. The statements made are accurate and supportable by the supplied information and the deposit is as stated.

Signature of Reviewer

Date

Part II
Land-Use Information

4. A description of the land-use threat claimed, when it will occur, and the lead agencies involved. The petitioner should be prepared to provide full documentation if requested.

5. The name and mailing address of each recorded land owner and each recorded lessee in and adjoining the area described. (Attach separate sheet)

6. Action requested. If designation is requested in addition to classification, then an environmental document complying with the California Environmental Quality Act shall be submitted. The reasons for requesting designation should also be stated.

The land-use information (Part II) of this petition and its supporting documentation have been reviewed by the undersigned. The statements made are accurate and supportable by the supplied information.

Signature of Reviewer

Date

Signature of Petitioner

Date

This form is to be used as a guide for content and format. Additional information sheets may be attached as necessary.

PART III

GUIDELINES
FOR
MINERAL RESOURCE
MANAGEMENT

PREFACE

The Surface Mining and Reclamation Act of 1975, enacted as Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policies relative to mineral resource conservation and development.

Pursuant to this requirement, the Board adopted the Guidelines for Mineral Resource Management following a May 25, 1979, public hearing held in Sacramento, California.

STATE MINING AND GEOLOGY BOARD GUIDELINES FOR MINERAL RESOURCE MANAGEMENT

Introduction—In 1971, the State Legislature amended the Government Code to require that local government include a conservation element in its general plan. This element covers the conservation, development, and utilization of natural resources, including mineral resources.

The Surface Mining and Reclamation Act of 1975 contains specific provisions for the classification of mineral lands within the State by the State Geologist and the designation by the Mining and Geology Board of areas, classified by the State Geologist as MRZ-2, to be of regional or of statewide significance. These classified lands and designated areas ultimately will have to be recognized by local government in its general plan.

The mineral resource information developed under the classification-designation process gives local government an oppor-

tunity to update the conservation element of its general plan to determine policy and implement programs for the conservation and development of these resources.

The purpose of these guidelines is to suggest general goals and policies for use by local government to protect and assure the wise use of identified mineral resources. Specific policies and implementing programs will have to be developed by local government within the context of their general plan and mineral resource management situations within their jurisdiction.

Land uses which are compatible and incompatible with mining are defined.

MINERAL RESOURCE MANAGEMENT GOALS AND POLICIES

1. *Mineral Resource Management Goals*

Management of identified mineral resources by local government should be directed toward the following goals:

(a) Mineral lands classified MRZ-2 or designated as areas of statewide or of regional significance should be protected from preclusive and incompatible land uses so that the mineral resources with these lands and areas are available when needed.

(b) Surface mining within these classified lands and designated areas should be controlled to assure that:

(1) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

(2) The production and conservation of minerals are encouraged, while giving consideration to recreation, watershed, wildlife, range and forage, aesthetic enjoyment, and other environmental factors.

(3) Residual hazards to the public health and safety are eliminated.

2. *Mineral Resource Management Policies*

Mineral resource management policies developed by local government pursuant to the Surface Mining and Reclamation

Act and Board guidelines should:

(a) Establish land-use categories which will allow for timely mineral extraction to meet projected demand in areas classified as MRZ-2 or designated to be of regional or statewide significance, and establish regulations for these land-use categories which will protect them from land uses which would preclude mineral extraction.

(b) Develop and implement regulations to insure that adequate supplies of mineral commodities are developed under a diversity of ownership to protect the consumer against the effects of restricted competition.

(c) Develop and implement regulations which will buffer land-use categories permitting mineral extraction from uses incompatible with mining.

(d) Develop and implement regulations to insure that after mitigative measures are taken, a proposed mining operation will not create any significant nuisances, hazards or adverse environmental impacts.

(e) Develop and implement regulations to insure that all mining operations provide for adequate reclamation of mined lands before issuing mining permits.

LAND USE COMPATIBILITY CATEGORIES

The following land-use categories are provided as a guide to local government in establishing compatible land uses on or adjacent to mineral lands classified as MRZ-2 or designated as areas of regional or statewide significance:

1. *Incompatible*—Land uses inherently incompatible with mining and/or which require a high public or private investment in structures, land improvements and landscaping and which would prevent mining because of the higher economic value of the land and its improvements.

Examples of such uses include:

- High density residential
- Low density residential with high unit value
- Public facilities
- Intensive industrial
- Commercial

2. *Compatible*—Land uses inherently compatible with mining and/or which require a low public or private investment in structures, land improvements and landscaping and which would allow mining because of the low economic value of the land and its improvements.

Examples of such uses include:

- Very low density residential
(For example: 1 unit per 10 acres)
- Extensive industrial
- Recreation (public/commercial)
- Agricultural
- Silvicultural
- Grazing
- Open space

(a) *Interim*—Land uses which require structures, land improvements and landscaping of a limited useful life and from an economic and political standpoint can be converted to mining at the end of that limited life. The period of interim use should be compatible with the orderly and timely production of mineral resources and the useful life of the improvements.

(b) *Buffer*—Land uses which provide sufficient distance and/or barriers between mining and incompatible land uses, to mitigate noise, dust vibration and visual impacts of mining, and to protect public safety.

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CALIFORNIA SURFACE MINING AND RECLAMATION POLICIES AND PROCEDURES - Special Publication 51
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